

## FEDERAL COURT IS CONVENED FOR APRIL TERM

Juries Empaneled and the Chamizal Injunction Is Passed Temporarily.

The April term of the United States circuit court for the western district of Texas was convened this morning by Judge T. S. Maxey. Charles A. Boynton, of Waco, United States district attorney, S. Englehart, of El Paso, assistant attorney, Eugene Nolle, of Seguin, United States marshal for the western district; L. H. Huggert, of El Paso, clerk, and W. H. Long, of Austin, stenographer, are also in attendance.

Immediately upon the convening of court, the grand jury was empaneled and the body at once retired to deliberate, accompanied by assistant attorney, Englehart, and J. E. Rathbone, bailiff. Frank Wells Brown, of El Paso, was appointed foreman by Judge Maxey. Other members of the panel are:

J. L. Murdoch, Toyah; Gus Elmendorf, Maricopa; H. E. Grider, Jr., Fort Davis; C. C. Dyer, Barstow; A. H. Crawford, Odessa; L. D. Boxley, Pecos; R. F. Wright, Kent; W. R. Glascock, Pecos; C. E. Armstrong, Grand Falls; James Arthur, Marathon; R. L. Baker, Saragosa; H. A. Wren, Monahans; Saran Ardoin, El Paso; W. L. Granger, Marathon; W. F. McRee, Valentine; A. P. Eaton, Odessa; J. H. Davis, Odessa; W. R. Bates, Odessa.

The court's instructions, relative to the secrecy to mark the grand jury's deliberations, were then delivered. Judge Maxey also urged the strict upholding of the criminal laws of the United States.

**Petit Jury.** The petit jury was empaneled immediately afterwards. It is composed of Ramon Arles, Clint; R. T. Mathews, Valentine; R. W. Love, Sierra Blanca; Charles Bishop, Maricopa; J. L. Marvins, Clint; B. R. Smith, Pecos; J. S. T. Baker, Odessa; E. O. Bowles, Pecos; H. L. Roberts, Marathon; A. P. Odell, Balcones; G. W. Frost, Barstow; H. C. Howard, Odessa; J. J. Armstrong, Grand Falls; V. P. Davis, Pecos; Seth Orndorff, San Elmar; J. B. Fournelle, Brogdon; S. T. Wilke, Pecos; G. Buchanan, Odessa; C. W. Frost, Toyah; C. A. Brown, Alpine; J. M. Cain, Odessa; J. W. Buchanan, Odessa; W. W. Kehoe, Shafter; W. D. Krebsbaum, Marathon; W. A. Clute, Alpine; W. F. Clyde, El Paso.

**Excused From Service.** Those excused by Judge Maxey from service on the petit jury are William F. Evans, Valentine; H. G. Thompson, Fort Davis; Ben Davis, Pecos; H. Robinson, Saragosa; S. W. Woolley, Maricopa; E. Miles, Fort Davis; W. F. Whittenburg, Odessa; H. H. Richardson, Clint; J. S. Hargus, Marathon; and J. W. Crenshaw, Saragosa.

**Injunction Continued.** Owing to the illness today of Seymour Thurmond representing the plaintiffs in

the El Chamizal injunction proceedings, the case was ordered continued by the court until Tuesday morning at 9:30 o'clock.

**Orders Entered.** The orders relative to other cases on today's docket, follow: Margaret Sullivan vs. the Southern Pacific railway company, damages, dismissed at cost of plaintiff; James L. Clark vs. the Southern Pacific railway company, damages for personal injuries, dismissed as per agreement; Samuel T. Parish vs. the T. & P. railway company, damages for personal injuries, both parties given leave to amend petitions.

In the case of Benito Legarda and others vs. Francisco Tarin de Legarda, damages, Maria Saez de Legarda was extended leave to intervene subject to the exceptions pending in the case. The action of Willie Hope, by his next friend, J. W. Hope, vs. T. & P. railway company, was continued until next term by the agreement of the attorneys in the suit.

**Admitted to Practice.** Charles A. Owen and Paul Boykin, of the law firm of Owen and Boykin, and M. Nagle, of the firm of Nagle and Scott, were admitted this morning to practice in the federal court.

## STATEHOOD BILL GOES OVER AGAIN

E. C. Abbott Is Named as Judge to Fill Vacancy in New Mexico.

Washington, D. C., April 4.—Senator Borah in the senate today inquired: "What has become of the statehood report?" It developed that it was sent to the printer Friday and a copy of the report received Saturday. When the statehood bill was called on the calendar it went over, awaiting the return of Beveridge from Indianapolis, where he has important private business on hand before the Republican state convention. He is expected to return Friday or Saturday.

As associate justice, Edmund C. Abbott was named to succeed Justice Mills, appointed governor, in the fourth (Las Vegas) district. This makes two Abbotts on the judicial list of New Mexico, Judge Ira A. Abbott already being a judge.

Delegate Andrews secured from the bureau of pensions, pension for John A. Miller, of Alamogordo, late company P, 15th regiment, United States Infantry; Dolphus Reed, of Hermosa, late company B, 12th West Virginia Infantry; Jose E. Albino, Swazo, Taos county, late company B, first New Mexico Infantry, each \$15 a month.

## AUTO CRASHES INTO BUGGY

Mrs. B. J. Berghauer, Residing in Orchard Park, Is Injured.

A near serious automobile and buggy accident occurred Saturday night at Texas and Wilson streets when an unidentified driver ran his automobile into a vehicle containing B. J. Berghauer, his wife and child. Mrs. Berghauer was injured about the back, and now is confined at her home at Orchard Park. The child was thrown against the dashboard with some force as to break the board.

It was about 10 o'clock when the machine, without warning, collided with the buggy from the rear. The horse was being driven close to the curb on the right side of the street. Mr. Berghauer says that the machine bore neither head nor tail light, and that he was unable to read its number. The car continued on its reckless journey without stopping, he says. The buggy, the hind gear of which was demolished, bore the required light.

## ROSWELL PARADES FOR NO LICENSE

Liquor Election to Be Held Tuesday—Both Sides Claim Victory.

Roswell, N. M., April 4.—Yesterday was the busiest Sunday in the history of Roswell with the campaign of the Citizens' No License ticket, with the Democratic city ticket, which favors high license saloons.

In the contest of no license a big parade of 3000 men, women and children, walking and riding on floats, and in vehicles of every description, was held.

The meeting at the armory last night was presided over by C. J. Hall, of Los Angeles. There were 1000 in attendance. The feeling is bitter. It is the first attempt to make Roswell dry. The election will be held tomorrow. Both sides are already claiming victory.

## F. C. FRANCIS TO GO WITH THE ROCK ISLAND

F. C. Francis, chief clerk to the general passenger agent of the Southwest, is being promoted to the position of chief clerk to W. J. Leahy, general passenger agent of the Rock Island system with headquarters at Chicago.

His successor in the Southwest passenger department has not yet been announced.

## MEXICAN WOUNDED; ANOTHER ARRESTED

Pablo Garcia, a Mexican laborer, was shot through the groin during a drunken affray Saturday night, on the outskirts of Juarez, according to the police. Lazaro Arellano has been arrested, and is held under the jurisdiction of the court of letters.

Garcia is confined in the city infirmary. His recovery is doubtful.

## MATADOR INJURED.

The last bull in the Juarez ring, Sunday, wounded a matador. The bull's horn pierced the matador's breast. The man will recover.

## ABOUT RAILROAD PEOPLE.

C. R. Hudson, vice president of the National railways of Mexico, accompanied by Mrs. Hudson, is here from Mexico City and is the guest of Mr. and Mrs. W. F. Payne. Mr. and Mrs. Hudson are en route to New York and will leave the last of the week.

C. E. Kelly suffered from an attack of indigestion this morning and three physicians had worked with him for half an hour, was removed to his home.

## FIRE DESTROYS GROCERY IN HIGHLANDS

Roof Is Burned From Residence in Bassett Addition—Other Fires.

Fire destroyed the grocery store occupied by A. C. Dunaway at the end of the Highland Park car line, shortly after 2 o'clock this morning. The origin of the fire, which completely gutted the building, is unknown, but nothing was saved from the conflagration.

The building, which was of brick and owned by Otto Olsen, was also badly damaged, though it was insured for \$2300 and the stock of merchandise was insured for \$2300.

Fire chief Armstrong, and three of the men, went to the fire in the new automobile, making the round trip in half an hour, but when they arrived at the scene of the fire, the building had been almost entirely destroyed and as there are no fire hydrants in the vicinity nothing could be done to save it.

Sunday night at 9 o'clock the Central company was called to the Leland morning house, at 813 Magoffin avenue, where a cigarette or match had set fire to a mattress and some bed clothing in one of the rooms, damaging the furnishings to the extent of a few dollars.

While this fire was in progress an alarm was turned in from the corner of Oklahoma and Eucalyptus streets, where the home of Lee Wilson had caught fire. The firemen had a hard battle to overcome the blaze there and the flames were finally extinguished after the roof had been burned off and considerable of the interior had been damaged, the amount of the loss being estimated at several hundred dollars.

## EARL MITCHELL IS BACK AT HOME

Has Profitable Season Acting and Writing and Will Now Rest.

Earl Mitchell, "El Paso's own actor," is back home for the summer, having just closed his season with the Shuberts in New York. He has two more years under contract with the Shuberts and will again go on the road about August.

The past season Mr. Mitchell was for a time with the "Blue Mouse" company, and, after closing with that organization, he went into vaudeville in a sketch entitled, "Awake at the Skillet," which he closed last week in New York.

During the season Mr. Mitchell wrote a very clever vaudeville sketch, "The Bookmaker's Shoes," which was published in the Smart Set, and which he has just sold to James J. Corbett.

Smart Set has accepted four other sketches by Mr. Mitchell for early publication, and Lippincott's has accepted another.

Mr. Mitchell will spend the summer here with his mother, Mrs. J. F. Mitchell.

## THE COURTS.

**41st DISTRICT COURT.**  
Judge A. M. Watkins, Presiding.  
CASE SETTINGS.  
Monday, April 4, 1910.

7658—A. Ballew vs. Parker & Williams.  
7657—Lena Hawkins vs. City of El Paso.

7626—J. L. Hansen vs. Simon Kinsella.  
Thursday, April 7, 1910.

7091—A. A. Rosenbush vs. Fair Co.  
7428—W. L. Blakeley vs. T. B. Dockery.

7613—Nellie Taft vs. City of El Paso.  
7610—D. Jones vs. S. Carbajal.  
Monday, April 11, 1910.

7678—Emma Payne vs. J. Skolaroff.  
7514—C. O. Coffin vs. W. F. Skov. Set to follow Payne vs. Skolaroff in any event.

6140—Rio Grande & El Paso Ry. Co. vs. Manuel Varel.  
8141—Rio Grande & El Paso Ry. Co. vs. Manuel Varel.

Thursday, April 14, 1910.  
7567—Fred Nickle vs. A. T. & B. F. Ry. Co.

7504—Melvin Milton vs. F. A. Spence.  
7114—Juan N. Elizalde vs. P. Casenabe, alias Felix Robert.

8025—E. O. Porter vs. J. U. Sweeney.  
5473—W. F. Payne vs. Ellen Pumphrey.

Monday, April 18, 1910.  
7263—Ross & Masterson vs. Banco Minera.

7264—Ross & Masterson vs. Guaranty Trust and Banking Co., garnishee.  
7348—Ross & Masterson vs. John R. Fulkerson.

Antoinette Dwyer vs. B. Schriever.  
5738—M. W. Brown vs. Geo. Lewis.

Monday, April 21, 1910.  
5816—F. M. Bell vs. W. H. Gunmer.

W. Buckler vs. E. P. & N. E. Ry. Co.  
1841—J. H. Byrd vs. J. F. Mitchell.

7075—F. O. L. Buck vs. W. H. Abrams.  
7419—Childs vs. G. H. & S. A. Ry. Co.

Monday, June 13, 1910.  
7552—Josephine Crosby vs. T. Ardoin.

Jury cases in 34th district court.  
Monday, May 2, 1910.

2239—W. C. McGowan vs. G. H. & S. A. Ry. Co.

## TEXAS CONSERVATIONISTS TO ASK STATE FOR AID.

Fort Worth, Texas, April 4.—When the first Texas conservation congress meets here tomorrow it will have as its objects the appointment of a committee to secure funds from the next legislature to carry on conservation in Texas, the appointment of a state forester and a state irrigation commission. Five hundred people will attend.

James Gipe, of Washington, arrived today to represent Gifford Pinchot, now in Europe. Governor Campbell advises that he cannot attend.

**PITTSBURG COUNCILMEN FAIL TO APPEAR FOR TRIAL.**  
Pittsburgh, Pa., April 4.—The trials of councilmen indicted in the recent councilmanic fraud exposure, commenced today in the criminal court. Two former members pleaded no defenses.

## Shantung Summer Costume



Moderately wide side plaitings compose the skirt of this natural colored shantung costume, which has a belted bodice crossing below the waist over a soutache-braided front panel overlapping the left hip and fastening under the back of the bodice. Soutache braiding decorates the front of the upper portion of the bodice, which has a muslin frill defined out-out neck and small bishop sleeves set into hand-outlined arm eyes. The long sleeved gimpie is of allover muslin embroidery and the wide brimmed straw hat is trimmed with natural colored shantung ribbon and guipure edged black net.

Justice E. H. Watson, and held to the grand jury. His bond was fixed at \$300.

**Special, ladies' purses, shopping bags, El Paso Trunk factory, north side plaza.**

C. L. Billington, 709 Magoffin, Tel. 1489, painting, paper hanging, decorating.

All you want to eat in our delicatessen, cooked ready to serve.  
Jackson's Sanitary Grocery, Phone 353.

**Socorro to Vote.**  
April 16 has been fixed as election day for the voters of Socorro, at which time they will vote on disincorporation.

**CONSTRUCTION OF FIELD OFFICERS' QUARTERS, Fort Bliss, Texas, April 4, 1910.**

Sealed proposals in triplicate will be received here for construction, plumbing, heating and electric wiring of the quarters, until 12 noon, May 4, 1910. Information on application, U. S. reserves right to accept or reject any or all proposals, or any part thereof. Capt. W. H. Waldron, Constg., Q. M.

**Incubator Abused.**  
High bred chicken eggs in a new incubator caused fire in the rear of 1029 Union avenue shortly before 11 o'clock Saturday night. The burner company responded and after the incubator had been thrown aside, it was found that it was the only thing injured.

**Dr. Willis R. Smith, Skin genitourinary and rectal diseases. Office rooms 291, 293, Caple's building.**

**Dr. Starkey, 318-319 Caples Bldg., practice limited to diseases of the eye, ear, nose and throat.**

**MONITION:** Notice is hereby given that there have been seized in this collection district, for violation of the customs laws, one brown male and one black male, with Mexican brands on left thighs, which will be sold in front of the customs house at 10 o'clock a. m. April 11, 1910. Anyone claiming the same is required to appear within the time prescribed by law. Alfred L. Sharpe, Collector of Customs.

**Dr. J. A. Hedrick will occupy offices in the Coles Bldg., after March 21.**

**Dr. Cameron for reliable dentistry.**  
Buy a Maxwell. Best automobile on the market for the price. Rader & Alexander.

**To Become a Farmer.**  
J. Hise Myers, of the Myers Hardware and Artillery Co., has sold his interest to J. L. Blair and will move to Malaga, N. M., where he has purchased a farm under the Carlisle Irrigation project.

**Best service, quickest delivery.**  
Jackson's Sanitary Grocery, Phone 353.

**Policeman Accidentally Shot.**  
While examining a 25 caliber automatic pistol which he did not know was loaded, policeman L. L. Parker shot himself through the left hand at the police station Saturday evening. He had picked up the toy and was examining it when it exploded and the bullet shot through his hand, breaking the large bone in the third finger at the back of the hand. He will be unable to work for a week or so.

**Dr. Prentiss, specialty diseases of stomach and intestines, Trust Bldg.**

**Sunflower eggs are fresh eggs.**  
Jackson's Sanitary Grocery, Phone 353.

**Held to Grand Jury.**  
J. Hodge, race horse owner, was given a preliminary hearing before

## LAS CRUCES AND MESILLA VALLEY

### WHAT'S DOING IN BANK CIRCLES?

Report That a Las Cruces Bank Is To Be Absorbed, Swallowed Up.

Las Cruces, N. M., April 4.—The Las Cruces banking fraternity is deeply interested in the reported change in the control of one of the local banking houses. J. E. Herndon, president of the State National bank at Albuquerque, and one of the directors of the El Paso Bank and Trust company, has been here in conference with H. D. Downum, president of Bowman's bank, and also with the officials of the First National bank. It is reported here that the Albuquerque banker contemplates taking over one of the local institutions to be operated in connection with the El Paso Bank and Trust company and also with the State National bank at Albuquerque. Nothing definite has been announced regarding the reported change.

At the El Paso Bank and Trust company's office this afternoon both president Turner and cashier Kerr denied that there was any deal pending by which Mr. Herndon was to take over the Las Cruces bank. They stated that this information had been received over the long distance telephone from Mr. Herndon at Las Cruces.

## DR. MACARTHUR RESIGNS PLACE

Head of English Department of A. & M. College to Enter Y. M. C. A. Work.

Agricultural, N. M., April 4.—It is officially announced that Dr. MacArthur, the head of the English department, has resigned. Dr. MacArthur goes into Young Men's Christian association work as he has been contemplating doing for one or two years past, and the college feels that it is losing one of its most competent, as well as one of its most popular professors.

The doctor will be engaged in the industrial extension work of the association and will probably be stationed in one of the large eastern cities.

Dr. MacArthur has been in the institution for seven years and while here has been largely instrumental in the establishment of such things as the dramatic club, of which he was director, and the St. James choir, of which he is director and organizer. Y. M. C. A., the Christian Topics club, and has done many other things that tend toward a broader and better rounded education.

Before taking up his association work, Dr. MacArthur will make a tour of Europe, visiting England, Scotland, France, Italy, Switzerland and Germany.

## ST. JOHN'S GUILD ELECTS OFFICERS AT LA MESA

Wood Chopper Misses Stick and Strikes Foot—People Coming and Going in the Upper Valley.

La Mesa, N. M., April 4.—St. John's Guild held its regular meeting at the home of Mrs. Hannum and elected officers. Mrs. Harry Hannum was elected president and Miss Anita Mead was reelected secretary and treasurer.

While cutting wood, Mr. Craig accidentally cut his foot. Although it is not serious he will be confined to his room for several days.

The Merry Villagers' club will meet with Mrs. Lively instead of Mrs. F. S. Jones.

Mrs. S. E. Walker, Rose and George Walker, of Mesilla Park, are visiting relatives in Chamberlain.

Mrs. Reese and Miss Reese have returned from El Paso.

Ben Morale will make his future home in the Pecos valley.

Mr. Kilburn, of Lanark, was a guest of Mrs. A. Mead.

Mrs. L. Hannum and Mrs. J. R. Lively say Sunday in Mesilla Park.

Miss Fannie Forbes, of Las Cruces, will be the guest of Mrs. J. D. Potter for several days.

El Paso after spending several days with Mrs. B. J. Viljoen.

Will Herron has gone to Las Cruces to attend federal court.

## IRRIGATION EXPERTS HOLD CONFERENCE HERE

Reports relative to irrigation conditions in West Texas, Arizona, New Mexico and California, and discussions as to the betterment of the service, marked a meeting at the chamber of commerce attended by S. Forster, of Washington, D. C., chief of the irrigation investigations of the United States, and his state of fellows. Those attending the meeting were: Frank Adams, of Berkeley, Cal., irrigation expert in California; C. E. Tait, Phoenix, for Arizona; P. E. Folter, Tempe, Ariz., a specialist in pumping work; professor F. L. Bixby, of the Agricultural college, Las Cruces.

Mr. Forster is still in the city and is registered at the Sheldon.

## THEODORE B. LAZARUS OF EL PASO DIES AT CARLSBAD, N. M.

Theodore B. Lazarus, a two years resident of El Paso, died Saturday afternoon at Carlsbad, N. M. Mr. Lazarus was a former employee of the Boston store and for nearly a year was advertising solicitor for The Herald. He was 23 years of age.

The body was removed to Mountain Park, N. M., where interment will be made. Surviving are a sister, Mrs. Edgar Caldwell, of Mountain Park, and a brother living in Memphis, Tenn.

Dr. C. T. Wier, of the purchasing department of the Southern Pacific company of Mexico, is here today on his way to Guadalajara.

## Appendicitis

How to Avoid It and Escape a Surgical Operation, Told by One Who Knows.

A Simple Method That Is Always Effective—Trial Package Free.

It has only been a few years since it was discovered that a surgical operation would cure appendicitis; in fact, it has been but a short time since the disease was discovered and named.

Whenever there is an inflamed condition of the appendix, caused by impacted feces in the small cavity opening into the intestine, you then have appendicitis.

The older doctors used to call this inflammation of the bowels, and were puzzled to know the cause.

Even now, with all the knowledge we have of the disease, no medical man can tell you why we should have an appendix, why we find it where it is, or what are its functions. If it has any, the disease for which the operation is a cure is usually caused by indigestion, and in many cases follows a large and indigestible meal.

Physicians have until recently recommended an operation, but now, as it is known that it is caused by indigestion, or dyspepsia, a cure without an operation is assured.

Where the patient is treated with Stuart's Dyspepsia Tablets, the unhealthy conditions prevailing rapidly disappear, the stomach and intestines are placed back in their normal condition, every organ of the body operates as it should, and the inflammation is reduced and the operation is avoided.

Conscientious physicians, who are looking after the best interests of their patients, will always keep a supply of Stuart's Dyspepsia Tablets handy in their offices, where, in cases of sudden attacks of indigestion, they can relieve the patient at once.

There is no record of a case of appendicitis where the stomach and bowels were in a healthy condition and properly digested the food from meal to meal.

No better advice can be given to any one who has attacks of indigestion, or who has been threatened with appendicitis, than to tell him to go to the drug store, pay 50 cents, and take home a package of Stuart's Dyspepsia Tablets.

Whenever heartburn, gas in stomach or bowels, heart disease or stomach troubles, sour eructations, acidity or fermentation are present, act at once. Take a dose of the Tablets and get relief as soon as possible.

At all druggists—50 cents.  
Send us your name and address today and we will at once send you by mail a sample package free. Address: F. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

## OFFICERS AFTER OPIUM SMUGGLERS

Another Arrest Made Here and Another in California Also.

San Diego, Cal., April 4.—Ramon Gonzalez, accused of being the leader of a ring of smugglers, that have been operating along the Mexican border from San Diego to El Paso, Texas, is in jail here charged with disorderly conduct and will be turned over to federal authorities.

According to deputy marshal Place, evidence has been secured connecting Gonzalez with smugglers at Los Angeles, San Francisco, Portland, El Paso and Nogales, Ariz.

In the general crusade by the customs service against opium smugglers along the Mexican border, customs officials of El Paso have been more than active, making arrests and furnishing information which has resulted in arrests elsewhere.

Several cases in which alleged offenders are charged with smuggling or with having opium in their possession are now in the hands of the federal grand jury.

Among them is the case of John D. Hogan, arrested here on March 18, while coming from an express office, according to customs officials.

Information was furnished to officials in San Francisco which resulted in the arrest of John D. Hogan in that city on March 19, the day following Hogan's arrest in this city. The San Francisco officials found the opium which had been sent out of El Paso.

An effort is now being made to bring Snake Pool back from Los Angeles, where he is held on a charge of smuggling opium, for trial in this city. He may be tried in California first, as federal court opened in Los Angeles today also.

## BURGULARS ENTER OFFICES IN MOREHOUSE BLOCK

El Paso has not yet heard the last of the burglars, who have been rifling dental offices, for Saturday night three offices in the Morehouse block were entered and about \$300 worth of gold, tools and crowns were stolen therefrom.

The burglars first forced an entrance into the office of Dr. S. Nussblatt and then went through the offices of Drs. Thompson, F. White and Wm. J. Wainock in like manner.

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